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15245

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 15073, PROVIDING  
FOR ART IN MUNICIPAL PLACES, TO PROVIDE FOR  
CERTIFICATES OF OBLIGATION AS AN ADDITIONAL SOURCE OF  
FUNDING FOR ACQUISITION OR COMMISSIONING OF ART FOR  
MUNICIPAL PLACES AND TO PROVIDE TECHNICAL  
CORRECTIONS**

**WHEREAS**, Ordinance No. 15073 was adopted by the City Council of the City of El Paso on April 9, 2002, for the purpose of promoting private and public programs to further the development of the fine arts and cultural properties and to encourage the integration of art into the architecture of municipal structures for the City; and

**WHEREAS**, Ordinance No. 15073 provides for funding for the acquisition of art for municipal property to come from two percent (2%) of the total funding available under bonds for Projects in the Capital Improvements Program; and

**WHEREAS**, the City Council desires to provide that certificates of obligation for capital improvement projects shall also constitute a source of funding for the acquisition of art for municipal property and to make additional technical changes to the Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

That Ordinance No. 15073 ("the Ordinance"), dated April 9, 2002, is hereby amended as follows:

1. Section 2.C. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

C. "Capital Improvements Program" means all projects financed by general obligation bonds, revenue bonds, and certificates of obligation, except for capital acquisitions and the Plaza Theatre Project.

2. Section 3.A. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

A. The El Paso Public Arts Commission is hereby established. It shall consist of eighteen (18) members to be appointed by the Mayor and the City Council. The initial Arts Commission shall not consist of persons who are presently members of the Arts Resources Board. Three (3) members of the Arts

Commission shall be representatives of the architecture, engineering, and/or construction industries. Three (3) members shall be representatives of the visual arts and two (2) of interior and/or graphic design disciplines, respectively. No members shall be appointed to the Arts Commission prior to the enactment of this ordinance. Upon the adoption of this ordinance, members of the Arts Commission shall be appointed to serve staggered terms: six (6) members who shall serve for an initial term of three years, six (6) members who shall serve for an initial term of two years, and six (6) members who shall serve for an initial term of one year. The initial terms shall be established by lot at the first meeting of the Arts Commission following the date of this ordinance and shall run from the date of this ordinance. After the initial term, successors shall be appointed for three-year terms. Each term shall commence on the expiration date of the term of the immediate predecessor; provided, however, that appointments to vacancies occurring other than by expiration of a member's term of office shall be filled by appointment by the Council for the remainder of the unexpired term. The members of the Arts Commission shall be subject to Chapter 2.04 of the Municipal Code. Under the provisions of Chapter 2.04, members of the Arts Commission may not serve more than two consecutive three-year terms; provided, however, that the completion of an initial term of less than three years or the completion of the remainder of an unexpired term shall not be included in the calculation of a member's term for purposes of this provision.

3. Section 3.D. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

D. Conflict of Interest. This paragraph supplements the City's Ethics Ordinance, as codified in Chapter 2.92 of the El Paso Municipal Code. An Arts Commission or sub-committee member having a financial interest in the outcome of any policy, decision, or determination before the Arts Commission or sub-committee on which the member serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of the financial interest in the issue, and such member shall be disqualified from participating in any debate, decision or vote relating thereto.

4. Section 4.1. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

1. Make recommendations to the City on the acquisition of works of art from funding sources other than the Capital Improvements Program for City-owned facilities, except the El Paso Public Library, the El Paso Museum of Art, Wilderness Park Museum, El Paso Museum of History, the Department of Arts and Culture, and the Plaza Theatre Project.

5. Section 4.2. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

2. Make recommendations to the City for any work of art to be funded from the Capital Improvements Program as provided for in Section 5.A of this ordinance, including a work of art at the El Paso Public Library, the Museum of Art, Wilderness Park Museum, Museum of History, and the Department of Arts and Culture, recommend to the City Council an artist or a work of art to be chosen.

6. Section 4.3. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

3. Advise the City with respect to the proposed removal, relocation or alteration of any public arts facility or works of art in the possession of the City, but which are not collections or exhibitions of the El Paso Public Library, the Museum of Art, Wilderness Park Museum, Museum of History, the Department of Arts and Culture, or the Plaza Theatre Project.

7. Section 4.4. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

4. Make recommendations to the City on any arts program to be supported by the City other than those programs operated by the El Paso Public Library, the Museum of Art, Wilderness Park Museum, Museum of History, the Department of Arts and Culture, and the Plaza Theatre Project.

8. Section 4.5. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

5. Recommend to the City programs and facilities to further the development and public awareness of the fine arts, except programs or facilities for the El Paso Public Library, the Museum of Art, Wilderness Park Museum, Museum of History, the Department of Arts and Culture, and the Plaza Theatre Project.

9. Section 5.A. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

A. Projects in the Capital Improvements Program shall include an amount for works of art equal to two percent (2%) of the total funding available for the project, whether funded by general obligation bonds, revenue bonds, or certificates of obligation, but shall not include capital acquisitions or the Plaza Theatre Project; provided, however, that if the bond election ordinance, the bond

ordinance authorizing revenue bonds, other appropriate laws or regulations, or an official interpretation by another governmental entity regarding allowable uses for funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded from the total funding available in calculating the amount to be committed to works of art, and provided, further that those projects for which bonds have been approved prior to the effective date of this ordinance shall not be subject to the provisions hereof, regardless of whether such projects include a component for public art.

10. Section 5.D. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

D. No more than fifteen percent (15%) of the total amount for works of art may be expended for the administrative costs of the Program. Examples of administrative costs shall include, but not be limited to, direct administrative costs of conducting a competition or search for a work of art and of employing consultants for planning and research; provided, however, that the cost of salary and benefits for the individual designated as liaison under Section 6.F. of this ordinance shall be calculated separately from, and shall not be subject to, the fifteen percent (15%) limitation on administrative costs.

11. Section 6.F. of the Ordinance is hereby deleted in its entirety, and the following is substituted therefor:

F. The City hereby designates the Department of Arts and Culture to provide appropriate staffing and administrative support for the Arts Commission and for projects undertaken pursuant to the Program. Subject to the approval by City Council of appropriate funding, an individual within the Department of Arts and Culture shall be appointed as liaison to coordinate activities among the various City departments, the Arts Commission, and artists or others providing services under the Program.

12. Except as expressly herein amended, Ordinance No. 15073 shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO,  
TEXAS, ON THIS 8th DAY OF October, 2002.

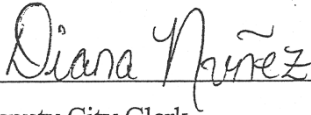
(Signatures on following page)

CITY OF EL PASO:



Raymond C. Caballero, Mayor

ATTEST:



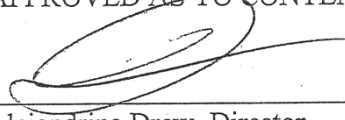
Deputy City Clerk

APPROVED AS TO FORM:

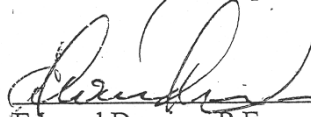


John F. Nance  
Assistant City Attorney

APPROVED AS TO CONTENT:



Alejandrina Drew, Director  
Arts and Culture Department



Edward Drusina, P.E.  
Deputy Chief Administrative Officer  
for Municipal Services